

LL.B. (3 Year Degree Course) Sem-V (CBCS - 2015 COURSE) :

SUMMER - 2019

SUBJECT : INTELLECTUAL PROPERTY LAW

Day : Monday
Date : 01/04/2019

Time 02.00 PM TO 05.00 PM
Max. Marks : 60

S-2019-1751

N.B.:

- 1) All questions are **COMPULSORY**.
- 2) All questions carry **EQUAL** marks.

Q.1 What is an industrial design under the Designs Act? What is the difference between a Design, a Patent and a Copyright?

OR

What are the types of Marks under the Trademark Act? Please give examples for each of the types.

Q.2 Write a detailed note on the International aspects of Intellectual property Rights. Explain in detail about WTO, WIPO and TRIPS.

OR

What are the essential features of the Copyright Act? If one needs to protect a Computer Software, which form of IPR protection would be needed and why?

Q.3 What is the meaning of the term Passing Off? How is it different from that of Infringement under the Trademark Laws in India?

OR

What is the meaning of the term Infringement? Discuss the different remedies available in the Indian Patent Act for Infringement of a Patent?

Q.4 What are the differences between Licensing, Franchising, and Assignment under the IPR Laws in India?

OR

What are the essential features of the Patent Act in India?

Q.5 a) Explain what happened in the Darjeeling Tea Judgment?

b) Rajesh invents a medicine, which can help a smoker clean the Tar content in his lungs just by consuming five doses of his medicine. The medicine also ensures that the smoker would never be able to smoke again. Thus preventing cancer caused by smoking. He decides to sell the medicine after Patenting it, for One Lakh Rupees per Dose, despite the manufacturing cost being only Seven thousand Rupees per dose. The patent for this medicine is granted. The international institute of Cancer Welfare (IICW) files a case against Rajesh in the court of law for the exorbitant price of the Medicine. The IICW demands that the medicine be licensed to smaller medical research labs who promise to charge not more than ten thousand rupees for each dose. As the judge what would you decide in this case?

OR

a) Elucidate upon the major aspects of the Judgment, Natco vs. Bayer Judgment.

b) Gururaj owns a shopping plaza named "Madurai Mall" in Chennai, which sells rare artifacts. This name causes a hue and cry in the city of Madurai. The ruckus is caused by the vendors of the famous Jasmine Flower called "Madurai Malli. They file a suit against Gururaj for using the terms "Madurai" and "Mall" for the shopping plaza. The vendors state that "Madurai Malli" is a Geographical indicator, thus a protected term. As an IP lawyer, what would you do to help Gururaj.